

Notice of Allowability

Application No.

10/829,436

Examiner

Sean P. Shechtman

Applicant(s)

FAIRLIE ET AL.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/6/06.
2. ☒ The allowed claim(s) is/are 25,33-35,37-50,52-66,69-74 and 78-97.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/387,828.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. Claims 25, 33-35 37-50, 52-66, 69-74, 78-97 are presented for examination. Claims 25, 33, 35, 40, 41, 42, 45, 47, 63, 64, 66, 79, 80-82 have been amended. Claims 1-24, 26-32, 36, 51, 67, and 75-77 have been cancelled. Claims 83-97 have been added.

Claim Objections

2. Objections withdrawn in light of the amendment.

Claim Rejections - 35 USC § 112

3. Rejections withdrawn in light of the amendment.

Claim Rejections - 35 USC § 101

4. Rejections withdrawn in light of the amendment.

Claim Rejections - 35 USC § 102

5. Rejections withdrawn in light of the amendment.

Claim Rejections - 35 USC § 103

6. Rejections withdrawn in light of the amendment.

Allowable Subject Matter

7. Claims 25, 33-35 37-50, 52-66, 69-74, 78-97 are allowed.

The following is an examiner's statement of reasons for allowance:

While Ewan teaches a load management system for hydrogen oxygen fuel cells disposed on board a vehicle.

And, Oki teaches a regenerative power system that functions as a load for storing energy when electrical power is in excess of the required load at a power plant.

Neither Ewan nor Oki, taken either alone or in obvious combination disclose a hydrogen energy system for a facility that is disposed off-board a vehicle having all the claimed features of applicant's instant invention, specifically including: a hydrogen generator disposed at said facility for generating hydrogen by water electrolysis using electrical energy received from at least one external source of electric energy; and a hydrogen storage apparatus disposed at said facility for storing at least some of the hydrogen generated by said hydrogen generator.

Also, there is no motivation to combine Ewan nor Oki to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

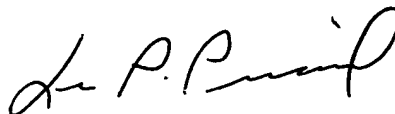
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SPS

Sean P. Shechtman

September 18, 2006

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100